

SEP 04 2013

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK  
LAWRENCE K. BAERMAN, CLERK  
ALBANY

\*\*\*\*\*  
UNITED STATES OF AMERICA

Criminal Number: /:13-CR- 339 MAD

INDICTMENT

v.

**VIOLATIONS:**

18 U.S.C. § 1029(b)(2) (Conspiracy)  
18 U.S.C. § 1029(a)(1) and (b)(1) (Access  
Device Fraud/Attempted Access Device  
Fraud)  
18 U.S.C. § 1028A(a)(1) (Aggravated  
Identity Theft)

JAMESE L. WILLIAMS and  
TERRY R. NICHOLAS,

Defendants.

(Five Counts)

Counties of Offense: Albany, Columbia,  
Fulton, Greene, Otsego, Rensselaer,  
Saratoga, Ulster, and Warren

\*\*\*\*\*

**THE GRAND JURY CHARGES:**

COUNT ONE

(Conspiracy to Commit Access Device Fraud)

1. From in or around October 2012 to on or about January 15, 2013, in Albany County and other counties, in the Northern District of New York and elsewhere, defendants JAMESE L. WILLIAMS, TERRY R. NICHOLAS, and others were parties to a conspiracy to commit the following offense: to knowingly and with intent to defraud use one or more unauthorized access devices during a one-year period, and by such conduct obtain items of value aggregating \$1,000 or more during that period, said use affecting interstate and foreign commerce, in violation of Title 18, United States Code, Sections 1029(a)(2) and (b)(1).

**Manner and Means**

2. It was part of the conspiracy that defendants JAMESE L. WILLIAMS and TERRY R. NICHOLAS traveled to grocery stores in New York, Connecticut, Vermont, Massachusetts, and New Hampshire, where they used counterfeit credit cards bearing false names and stolen access devices (account numbers) to fraudulently obtain more than \$500,000 worth of stored value cards (also known as “gift cards”).

**Conduct in Furtherance of the Conspiracy**

3. In furtherance of the conspiracy, defendants JAMESE L. WILLIAMS and TERRY R. NICHOLAS engaged in the following conduct in the Northern District of New York and elsewhere:

a. On or about December 23, 2012, defendants JAMESE L. WILLIAMS and TERRY R. NICHOLAS traveled together to a Price Chopper grocery store located in Torrington, Connecticut. While there:

i. Defendant JAMESE L. WILLIAMS used three counterfeit Discover credit cards, each bearing the name “Cindy Keys” and bearing stolen account numbers ending in 1920, 6613, and 3077, to attempt to purchase stored value cards. After these three credit cards were declined, defendant JAMESE L. WILLIAMS used a fourth counterfeit Discover credit card bearing the name “Cindy Keys” and a stolen account number ending in 8627 to purchase Sears and Home Depot stored value cards worth \$16,900.

ii. Defendant TERRY R. NICHOLAS used three counterfeit Discover credit cards, each bearing the name “Shawn Wright” and bearing stolen account numbers ending in 5294, 4379, and 8622, to attempt to purchase stored value cards. After these three credit cards were declined, defendant TERRY N. NICHOLAS used a fourth counterfeit Discover credit card

bearing the name “Shawn Wright” and a stolen account number ending in 2541 to purchase Master Card, Sears, and Home Depot stored value cards worth \$5,500.

b. On or about December 28, 2012, in Torrington, Connecticut, defendants JAMESE L. WILLIAMS and TERRY R. NICHOLAS and another co-conspirator possessed 69 Home Depot stored value cards, 17 Sears stored value cards, 2 Best Buy stored value cards, 3 Visa stored value cards, 27 Master Card stored value cards, 13 counterfeit Discover credit cards bearing the name “Cindy Keys” and stolen account numbers, 8 counterfeit Discover credit cards bearing the name “Shawn Wright” and stolen account numbers, and 3 counterfeit Discover credit cards bearing the name “Melissa Douglas” and stolen account numbers.

c. On or about January 15, 2013, defendants JAMESE L. WILLIAMS and TERRY R. NICHOLAS traveled together to a Price Chopper grocery store located in Johnstown, New York. While there:

i. Defendant JAMESE L. WILLIAMS used a counterfeit credit card bearing a false name and a stolen account number to attempt to purchase ten stored value cards.

ii. Defendant TERRY R. NICHOLAS used a counterfeit credit card bearing a false name and a stolen account number to attempt to purchase ten stored value cards.

d. On or about January 15, 2013, defendants JAMESE L. WILLIAMS and TERRY R. NICHOLAS traveled together to a Price Chopper grocery store located in Albany, New York. While there:

i. Defendant TERRY R. NICHOLAS used six counterfeit Discover credit cards, each bearing the name “Trey Jones” and bearing stolen account numbers ending in 0653, 0284, 2702, 2791, 8093, and 4637, to attempt to purchase stored value cards.

ii. After these six cards were declined, defendant JAMESE L. WILLIAMS used five counterfeit Discover credit cards, each bearing the name “Keisha Russ” and bearing stolen account numbers ending in 0058, 1180, 4260, 4179, and 2998, to attempt to purchase stored value cards. After these five cards were declined, defendant JAMESE L. WILLIAMS used a sixth counterfeit Discover credit card bearing the name “Keisha Russ” and a stolen account number ending in 3090 to purchase Marriott, Home Depot, and Sears stored value cards worth \$9,600.

iii. Defendant TERRY R. NICHOLAS then used a counterfeit Discover credit card bearing the name “Trey Jones” and a stolen account number ending in 8042 to attempt to purchase stored value cards. After this card was declined, defendant TERRY R. NICHOLAS used a second counterfeit Discover credit card bearing the name “Trey Jones” and a stolen account number ending in 9635 to purchase Home Depot stored value cards worth \$5,500.

All in violation of Title 18, United States Code, Section 1029(b)(2).

**COUNT TWO**  
**(Access Device Fraud)**

4. On or about January 15, 2013, in Albany County, in the Northern District of New York, defendant JAMESE L. WILLIAMS knowingly and with the intent to defraud used an unauthorized access device during a one-year period, and by such conduct obtained things of value aggregating \$1,000 or more on that same date, said use affecting interstate and foreign commerce, that is defendant JAMESE L. WILLIAMS used a counterfeit Discover credit card bearing a stolen account number (access device) to obtain \$9,600 worth of stored value cards (also known as “gift cards”).

In violation of Title 18, United States Code, Section 1029(a)(2).

**COUNT THREE**  
**(Aggravated Identity Theft)**

5. On or about January 15, 2013, in Albany County, in the Northern District of New York, defendant JAMESE L. WILLIAMS, during and in relation to felony violations of Title 18, United States Code, Section 1029(b)(2), that is, conspiracy to commit access device fraud, and Title 18, United States Code, Section 1029(a)(2), that is, access device fraud, knowingly possessed and used, without lawful authority, a means of identification of another person, specifically, a Discover Credit Card account number ending in 3090 belonging to "S.L."

In violation of Title 18, United States Code, Section 1028A(a)(1).

**COUNT FOUR**  
**(Access Device Fraud)**

6. On or about January 15, 2013, in Albany County, in the Northern District of New York, defendant TERRY R. NICHOLAS, knowingly and with the intent to defraud used an unauthorized access device during a one-year period, and by such conduct obtained things of value aggregating \$1,000 or more on that same date, said use affecting interstate and foreign commerce, that is defendant TERRY R. NICHOLAS used a counterfeit Discover credit card bearing a stolen account number (access device) to obtain \$5,500 worth of stored value cards (also known as "gift cards").

In violation of Title 18, United States Code, Sections 1029(a)(2).

**COUNT FIVE**  
**(Aggravated Identity Theft)**

7. On or about January 15, 2013, in Albany County, in the Northern District of New York, defendant TERRY R. NICHOLAS, during and in relation to felony violations of Title 18, United States Code, Section 1029(b)(2), that is, conspiracy to commit access device fraud, and

Title 18, United States Code, Sections 1029(a)(2), that is, access device fraud, knowingly possessed and used, without lawful authority, a means of identification of another person, specifically, a Discover Credit Card account number ending in 9635 belonging to "A.N."

In violation of Title 18, United States Code, Section 1028A(a)(1).

### **FORFEITURE ALLEGATION**

8. The allegations contained in Counts One, Two, and Four of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 1029(c), and Title 28, United States Code, Section 2461(c).

9. Upon conviction of an offense in violation of Title 18, United States Code, Sections 1029(a)(2), (b)(1), or (b)(2), the defendants, JAMESE L. WILLIAMS and TERRY R. NICHOLAS, shall forfeit to the United States of America any property, real or personal, which constitutes or is derived from proceeds traceable to said violations, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), and any personal property used or intended to be used to commit the offense, pursuant to Title 18, United States Code, Section 1029(c)(1)(C). The property to be forfeited includes, but is not limited to, the following:

- (a) A money judgment in the amount of the proceeds traceable to said violations.

### **SUBSTITUTE ASSET PROVISION**

10. If any of the property described above, as a result of any act or omission of the defendants:

- (1) cannot be located upon the exercise of due diligence;

- (2) has been transferred or sold to, or deposited with, a third party;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be divided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property.

All pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 1029(c), and Title 28, United States Code, Section 2461(c).

Dated: September 4, 2013

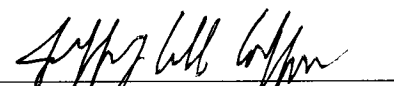
Name Redacted

A, TRUE BILL,

  
FOREPERSON

RICHARD S. HARTUNIAN  
United States Attorney  
Northern District of New York

By:

  
Jeffrey Carll Coffman  
Assistant U.S. Attorney  
Bar Roll #517969